

of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be reworked in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14044. Adulteration and misbranding of jelly. U. S. v. 39 Dozen Jars, et al., of Jelly. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 19561. I. S. Nos. 16301-v, 16302-v, 16373-v, 16374-v, 16375-v. S. No. E-5129.)

On February 9, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 191 dozen jars of jelly, remaining in the original unbroken packages at Greenville, N. C., consigned by the Shenandoah Valley Apple Cider & Vinegar Co., alleging that the article had been shipped from Winchester, Va., on or about October 9, 1924, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: (Jar) "Apple Pie Ridge * * * Apple-Raspberry Flavor" (or "Apple" or "Apple-Cherry Flavor" or "Apple-Strawberry Flavor" or "Apple-Blackberry Flavor") "Jelly Pure Cane Sugar And Apple Pectin. Shenandoah Valley Cider & Vinegar Co. Winchester, Va."

Adulteration of the article was alleged in the libel for the reason that a substance, pectin and sugar, had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality and strength, and for the further reason that a substance, pectin jelly, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Apple Raspberry Flavor Jelly," "Apple Jelly," "Apple-Cherry Flavor Jelly," "Apple-Strawberry Flavor Jelly," and "Apple-Blackberry Flavor Jelly," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 25, 1925, the Shenandoah Valley Cider & Vinegar Co., Winchester, Va., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

4045. Adulteration and misbranding of canned oysters. U. S. v. 180 Cases, et al., of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20523 to 20527, incl., 20533. I. S. Nos. 561-x, 562-x, 564-x, 565-x. S. Nos. W-1799, W-1800.)

On or about October 20, 27 and 28, 1925, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 880 cases of canned oysters, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Biloxi, Miss., in part on or about March 10, 1925, and in part on or about March 14, 1925, and transported from the State of Mississippi into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled, variously: "Pedigree Brand Oysters Contains 5 Oz. Packed By C. B. Foster Packing Co., Inc., Biloxi, Miss."; "Craig's (Formerly Padlock) Brand Oysters Packed for R. L. Craig & Co. Los Angeles, Cal. This Can Contains 5 Oz. Oyster Meat"; "Saratoga Brand Oysters Net Weight Oyster Meat 5 Oz. Packed For Simpson-Ashby Co. Los Angeles, Calif."

Adulteration of the article was alleged in the libels for the reason that excessive water or brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and in that water or brine had been substituted wholly or in part for the food constituents.

Misbranding was alleged for the reason that the statements regarding the contents of the said cans, borne on the labels, namely, "Contents 5 Oz.," "This Can Contains 5 Oz. Oyster Meat," "Net Weight Oyster Meat 5 Oz.," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 16 and 18, 1925, R. L. Craig & Co., H. G. Chaffee Co., Walker Grocery Co., Daley's Inc., Simpson-Ashby Co., and E. A. Morrison, Inc., all of Los Angeles, Calif., having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$11,342, in conformity with section 10 of the act, said bonds providing that the product be relabeled and reconditioned in accordance with law and in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14046. Adulteration of frozen eggs. U. S. v. 950 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20776. I. S. No. 6184-x. S. No. E-5617.)

On January 18, 1926, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 950 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Western Cold Storage Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about December 24, 1925, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs 30 pounds net weight Licensed Breaker No. 11 Rothenberg & Somerman, Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1926, I. Walter Bickley, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the portion unfit for food be destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14047. Adulteration and misbranding of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20731. I. S. No. 1063-x. S. No. W-1828.)

On or about December 3, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Capital City Cooperative Creamery, from Salem, Oreg., November 24, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "From Capital City Cooperative Creamery Mfrs Of Buttercup Butter * * * Salem, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 15, 1926, the Wilsey-Bennett Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a